

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Bail Appl..No. 4137 of 2007()

CRIME NO.164/07 OF THE KUNNAMANGALAM POLICE STATION

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PETITIONER/1ST ACCUSED:

P. BABURAJ, S/O. LATE KANDAN,
'SAUPARNIKA', VENNAKKODE AMSOM, DESOM,
P.O. MALAYAMMA, KOZHIKODE TALUK.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.NO.4137 OF 2007

Dated this the 9th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner apprehends arrest on the allegation that he has committed the offences punishable, inter alia, under Sec.498A of the IPC. The petitioner is the husband of the de facto complainant. The de facto complainant has filed a private complaint which has been referred to the police under Sec.156(3) of the Cr.P.C. A crime has been registered. Investigation is in progress. The petitioner apprehends arrest at any moment. The petitioner's application for anticipatory bail was dismissed by the learned Sessions Judge.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that anticipatory bail can be granted

to the petitioner. I take note of the submission of the learned Public Prosecutor that the marriage had taken place on 16/3/03. The spouses have not been blessed with any children so far. There is strain in the marital tie. There is no allegation of injuries having been caused to the victim. The arrest and incarceration of the petitioner is likely to mar all possibilities of harmony in matrimony. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner, I am satisfied.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 16/7/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 17/7/07 and 18/7/07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

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(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 16/7/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 16/7/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge